

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND**

**MICHAEL C. WORSHAM**  
*Plaintiff,*

v.

**DISCOUNT POWER, INC.**  
*Defendant.*

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**Civil Action No.** \_\_\_\_\_

**JURY TRIAL DEMANDED**

**NOTICE OF REMOVAL**

PLEASE TAKE NOTICE that, pursuant to 28 U.S.C. §§ 1331, 1332, 1367, 1441, and 1446, Defendant Discount Power, Inc. (“Discount Power”), by and through its undersigned counsel, hereby files its Notice of Removal of the action styled *Michael C. Worsham v. Discount Power, Inc.*, Case Number C-12-cv-19-001152, from the Circuit Court for Harford County, Maryland to the United States District Court for the District of Maryland, based on federal question and diversity jurisdiction. The grounds for removal are as follows:

**I. THE STATE COURT ACTION**

1. On or about November 25, 2016, Plaintiff Michael C. Worsham (“Plaintiff”) commenced an action in the Circuit Court Harford County, Maryland, styled *Michael C. Worsham v. Discount Power, Inc.*, Case Number C-12-cv-19-001152. Pursuant to 28 U.S.C. §1446(a), copies of all summons, process, pleadings, and orders filed in the State Court Action are attached hereto as **Exhibit A**.

2. Discount Power first received notice of this lawsuit on December 10, 2019, when it was served with a copy of the Complaint, which was received by its agent, National Registered Agents, Inc. of MD, on December 5, 2019.

3. Generally, the Complaint alleges that Discount Power made telemarketing solicitation calls to Plaintiff's telephone to advertise and sell its energy products and services in violation of the Federal Telephone Consumer Protection Act, 47 U.S.C. § 227 ("TCPA") and Federal FCC and FTC Regulations. *See Exhibit A*, Complaint, at ¶¶ 3, 12, 32-39, 69-74 and Counts 1-17). Plaintiff additionally alleges a violation of the Maryland TCPA. *Id.* at Counts 5-17.

4. According to the Complaint, Plaintiff is a resident of Harford County, Maryland. Discount Power is a Connecticut corporation.

## **II. THE PROCEDURAL REQUIREMENTS FOR REMOVAL ARE SATISFIED**

5. Discount Power first received notice of the Complaint on December 10, 2019 following service of the Complaint on its agent, National Registered Agents, Inc. of MD, on December 5, 2019. Therefore, removal of this action to this Court is timely under 28 U.S.C. § 1446(b) because this Notice of Removal is filed within thirty (30) days. *See* 28 U.S.C. § 1446(b).

6. Pursuant to 28 U.S.C. §1446(a), copies of all summons, process, pleadings, and orders filed in the State Court Action are attached as **Exhibit A** hereto.

7. This Court embraces the locality in which the State Court Action is now pending, making this Court a proper forum pursuant to 28 U.S.C. §1441(a).

8. No previous application has been made for the relief requested herein.

9. Pursuant to 28 U.S.C. §1446(d), a copy of this Notice of Removal is being served on Plaintiff, and a copy is being filed with the Circuit Court for Harford County, Maryland.

10. If any question arises regarding the propriety of the removal of this action, Discount Power respectfully requests the opportunity to present a brief and/or oral argument in support of its position that this case is removable.

**III. THIS COURT HAS FEDERAL QUESTION JURISDICTION**

11. Plaintiff alleges a claim under the Telephone Consumer Protection Act, 47 U.S.C. § 227. Therefore, federal question jurisdiction exists over Plaintiff's claim under 28 U.S.C. § 1331 because the resolution of Plaintiff's claim will require adjudication of a disputed question of federal law. The parties are also diverse under 28 U.S.C. § 1332.

12. Because Plaintiff's TCPA claim arises under the laws of the United States, removal of this cause of action is appropriate under 28 U.S.C. §§ 1441(a) – (c).

13. Additionally, pursuant to 28 U.S.C. § 1367, this Court has supplemental jurisdiction over Plaintiff's state statutory claim.

WHEREFORE, Defendant DISCOUNT POWER, INC. hereby removes the action now pending against it in the Circuit Court of Hartford County, Maryland, and requests that this Court assume and retain full jurisdiction over this action for all further proceedings.

Dated: January 2, 2020

DEFENDANT  
DISCOUNT POWER, INC.

By: /s/ Brian A. Scotti  
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**CERTIFICATE OF SERVICE**

I hereby certify that on January 2, 2020, I electronically filed the foregoing document with the Clerk of Court using the CM/ECF system, which will send notification of such filing to all attorneys of record, and sent a copy of the foregoing document via regular mail, postage prepaid, addressed to all attorneys of record.

Michael C. Worsham  
1916 Cosner Road  
Forest Hill, Maryland 21050  
michael@magicmichael.net

Dated: January 2, 2020

DEFENDANT  
DISCOUNT POWER, INC.

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